

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

HIRAJI DHONDIBA KHARATMO & ORS. PETITIONERS

CELINA NICHOLAS FERROW & ORS. .. RESPONDENTS

CORAM: SMT. RANJANA DESAI
SMT. R. S. DALVI, JJ.

P.C.

2. It appears that when the slum declaration was made the owners of the property were not noticed. They were not heard and when the declaration was set aside the owner's grievance was heard but the occupiers were not noticed. By the impugned order the matter is remanded to the competent authority for a fresh enquiry.

3. The Competent Authority is directed to issue show cause notices to all concerned. The Competent Authority is directed to give adequate opportunity of hearing to all concerned. The parties are also permitted to produce evidence. The competent authority is directed to then pass speaking order.

4. In our opinion, the impugned order is just and proper. It directs that all concerned be heard and they may be permitted to adduce evidence. Competent Authority is directed to thereafter pass a speaking order. In our opinion, no case is made out for interference with such order in writ jurisdiction. Writ Petition is disposed of. Needless to say that ad-interim order stands vacated. We, however, keep all contentions of the parties open.

JUDGE

JUDGE